

SEP 27 2012

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROBERT EDWARD LEE SHELL,) CASE NO. 7:11CV00363

Petitioner,)
v.) FINAL ORDER

HAROLD CLARKE, DIRECTOR,) By: Glen E. Conrad
Respondent.) Chief United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the respondent's second motion to dismiss (ECF No. 19) is **GRANTED**; the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** with prejudice; respondent's initial motion to dismiss (ECF No. 8) is **DISMISSED** as moot; and this action is stricken from the active docket of the court. Based upon the court's finding that petitioner has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 21st day of September, 2012.



Chief United States District Judge